

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-------------------------|---|----------------|
| MICHAEL CACOPERDO, | : | |
| | : | 10CV7847 (RPP) |
| Plaintiff, | : | |
| | : | ECF |
| - against - | : | |
| | : | |
| HARTFORD LIFE INSURANCE | : | |
| COMPANY, | : | |
| | : | |
| | : | |
| Defendants. | : | |

**DECLARATION OF JASON NEWFIELD IN SUPPORT
OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, JASON NEWFIELD, declare as follows:

1. I am a Member of the law firm of Frankel & Newfield, P.C., and counsel for plaintiff, Michael Cacoperdo, in the above-captioned litigation.
2. I submit this Declaration on personal knowledge in support of Plaintiff's Motion for Summary Judgment.
3. Annexed hereto as Exhibit "A" is a true and correct copy of the videotaped deposition of Juan Mendez, conducted on April 4, 2012. Portions of this deposition have been designated by Hartford as confidential, and Plaintiff is thus filing the videotape of the deposition with Chambers directly and not with the Clerk. Annexed hereto are relevant pages of the deposition, some of which have also been designated as confidential by Hartford.
4. Annexed hereto as Exhibit "B" is a true and correct copy of the deposition of Liam McTeague, conducted on March 30, 2012. Portions of this deposition have been designated by Hartford as confidential.
5. Annexed hereto as Exhibit "C" is a document produced by Hartford in discovery, concerning its request of RRS, one of its third party vendors, to remove Dr. Topper from its panel of peer review doctors. It is Bates Number 2131. Hartford has designated this document as Confidential. This document has previously been produced and is not a confidential document, as it is publicly filed in the Eastern District of New York, in another action. Also annexed to Exhibit "C" is a document reflecting Hartford's credentialing worksheet for Dr. Topper, indicating that he is a pediatric neurologist, that treats patients from birth to age 21. It is Bates Number 1859.

6 Annexed hereto as Exhibit "D" are documents that were produced in *Testa v. Hartford Life*, EDNY, 08 CV 816, and are publicly filed in the Eastern District of New York. These documents are not confidential. These consist of numerous documents reflecting Dr. Topper's frequency of utilization by MES during periods in 2009, as well as sample reviews of claimants performed by Dr. Topper. These documents are identified as Hartford 1768-69, and Dr. Topper 1-83.

7. Annexed hereto as Exhibit "E" are documents that were also produced in *Testa v. Hartford Life*, EDNY, 08 CV 816, and are publicly filed in the Eastern District of New York. These documents are not confidential. These consist of an August 21, 2007 letter from Hartford to RRS documenting its request to remove Dr. Topper from its panel of reviewing doctors and the results from the credentialing audit. These documents are identified as Hartford 1749-50 and 1758.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Garden City, New York
June 1, 2012

Jason Newfield (JN5529)


J. W. Field